Social Safeguard Due Diligence Report

Project Number: 48218-003 July 2017

Nepal: Rural Connectivity Improvement Project

Prepared by Department of Local Infrastructure Development and Agricultural Roads for the Asian Development Bank.

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RURAL CONNECTIVITY IMPROVEMENT PROJECT NEPAL Social Safeguards Due Diligence Report July 2017



Prepared by PPTA Consultants On behalf of Department of Local Infrastructure Development and Agricultural Roads (DOLIDAR)

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List of Abbreviations

ADB AP CPF	Asian Development Bank affected person community participation framework
CPP	community participation namework
DOLIDAR	Department of Local Infrastructure Development and Agricultural Roads
FGD	focus group discussion
LAA	Land Acquisition Act
MOFALD	Ministry of Federal Affairs and Local Development
MOU	memorandum of understanding
PCU	project coordination unit
PIU	project implementation unit
RCIP	Rural Connectivity Improvement Project

Chapter 1 –Introduction

The agriculture sector's contributions of 65-70% of employment and 35% of gross 1. domestic product are vital, especially to Nepalese who live and find sustenance in rural areas where poverty is widespread. The Agriculture Development Strategy (ADS) of the Government of Nepal recognizes access as one of the major constraints to the development of commercial agriculture value chains. Transport in many high-potential production areas is limited to basic tracks or undeveloped roads, resulting in high transportation costs and losses of product quality and quantity. Only 17% of the rural population on Nepal has access to all-weather roads, compared with 60% in India and 37% in Bangladesh. The ADS recognizes the urgent need for rural road access into productive agricultural areas and provides a target for the upgrading or construction of 50 kilometers (km) of rural roads per district during the first five-year of the strategy period 2015-2020. Quality and coverage of transport infrastructure greatly impact on agricultural and rural communities' access to social and economic services, assistance during emergency events, and access to markets for agricultural inputs and outputs. Improving road connectivity throughout Nepal is a key consideration for ensuring that economic growth reaches rural areas. However, many local road linkages only offer seasonal access, isolating a large portion of the population during the rainy season. Proposed Rural Connectivity Improvement Project (RCIP) focuses on improving about 388 km rural roads to all-weather standards, serving the agriculture sector and the rural population and to ensure roads are maintained in a sustainable manner.

2. It has been agreed that the candidate roads to be selected under RCIP will not have any land acquisition. Construction will be carried out mostly within existing road corridor/right-of-ways, with widening and minor realignments in some cases, which will require narrow strips of land to be made available. In such cases, the voluntary land donation system will be used in accordance with ADB's requirements. DOLIDAR adopts the Environmental and Social Management Framework (ESMF) developed through the Project for Strengthening the National Rural Transport Program (SNRTP). This community participation framework (CPF) is prepared to provide the procedures for conducting the transect walk and implementing the land donation processing accordance with ADB's requirements; taking into consideration the guidelines mentioned in the ESMF.

1.1 **Project Description**

3. The selected roads are either narrow earthen/gravel roads or existing tracks of varying widths. General problems associated with the selected roads are narrow width, steeper longitudinal gradient, narrow and sharp hairpin bends in hilly areas, and poor drainage management. Major interventions proposed under the project include widening of sections with narrow width, improvement of grade, provision of side drains, adequate and appropriate cross drain structures, protection measures like breast walls, retaining walls in landslide prone areas, provision for irrigation crossings and rehabilitation of canals along the road, addressing road safety issues viz. junction improvement, speed control measures at sensitive locations, and shifting of utility structures close to the carriage way. The improvements will be done within the available corridor of the candidate roads.

4. The candidate roads have been selected through robust road selection criteria taking into account rural population, socio-economic centers, agricultural production areas, connectivity to main road network, administrative centers, and safeguards. From the safeguards point of view, the project adopts the following basic principles:

- (i) That the project benefits will realistically offset the size of the donated land;
- (ii) In case negotiations for voluntary land donation fail, eminent domain or other powers of the state will not be used;
- (iii) The donation will be limited to only land and minor assets (houses and major assets will be excluded from donation); and
- (iv) For households donating land, no physical displacement will take place.

5. Further to these, modifications to the design by reduction of carriage width, alignment shifts, and modifications in cross-sections, etc. to the extent required from safety considerations have been considered to avoid involuntary resettlement. Local community consultation and transect walks in each selected road have been extensively carried out to screen the likely impacts on land and roadside structures due to the proposed project. The field screening data sheet presented in annexure 1summarizes the findings of the transect walks carried out for RCIP and is used in evaluating the suitability of the road to be improved under the project.

6. The project will rehabilitate rural roads located within all three districts of the southern province. The following table summarizes the approximate total road length selected in each district.

S No.	Zilla (District)	Road Name	Length (Km)
1	Pancthar	Phidim-Nagin-Sidin- Prangbung-Falot Road	23.56
2	Pancthar	Samdin - Chokmangu - Nawamidada - FaktepGhurbisepanchami Road (Samdin - Nawamidada Sector)	14.85
3	llam	Nepaltar-Shantidada-Gagrebhangyang-Mangalbare- Dhuseni-Gajrmukhi-Ebhang-Chaturmoad Aadipur- Larmwa-GhartiDobhan-Chapeti-BeldagiDamak Road (Ebhang-Chaturemoad Sector)	13.3
4	llam	Mangalbare - Phungfung - EktappaSikariBhanjyang- Phakphok - Ra.ma.bi. Khambang Chowk - Thingepur - Aamchok - Jungetar - Phuyatappa - Rabi road (Surubindukhanda)	9.5
5	Jhapa	Padajungi (Lakhanpur)-Guhawari-Laladhbandra-Jharka- Baluwathan-Chapramari-Khajurgachhi	10.0
6	Jhapa	Charpane-Chaitubari-Matigada-Sadhukuti-Khodamara- Rajgadh	15.5
7	Jhapa	Amaldagi - Samayaghad -Babwari - Solmari road	11.5
8	Jhapa	Kharsangwari-Jalthal-Mangalware-Baundoka-Adhikari Chowk Sadak	6.5
9	Morang	Khorshane - Kerawari -Singhadevi Road (23 km left to be upgraded out of 38 km)	13.6
10	Morang	Laxmimarga - Dangihat - Banaul- Babiyabirta - Amahi Road (29 km left to be upgraded out of 31 km)	30.5
11	Sunsari	Inaruwa - Satterjhoda - Chhitaha - Purbakushaha - Biratnagar Road	
12	Sunsari	Jhumka - Shinghiya - Ramdhuni - Prakashpur - Madhuwan - Shukrabare - Paschimkushaha - Laukahi - Boarder Road	21.8
13	Dhankuta	Mudheshanischare - Dadagaun - Chanuwa Road	10.3
14	Dolakha	Nayapul - Pawati - Dadakharka Road	12.1

 Table 1.1: District wise Selected Roads

S No.	Zilla (District)	Road Name			
15	Sindhupalchok	Barhabise - Maneswara - Ghumthang - Listi - Bhairabkunda	12.378		
16	Kavrepalanchok	Dolalghat - Phalate - Kolati -Dhadkharka- Pokharichauri - Gurase Road	18.629		
17	Sindhuli	Tallo - Ranibas - Harshadi - Tadi–Dhanshari	12.776		
18	Sindhuli	Dhudhuli - Lakhima - RatmataKartha - Thakur Damar– Arunathakur	13.011		
19	Kathmandu	Badbhanjyang - Sanomasino - Thulomasino - Satghumti Road			
20	Bhaktapur	Shaktapur From Bansbari- BagesworiPurano Health Post to VDC Building			
21	Chitwan	Chitwan Phisling - Tolang - Baspur - Oralang - Mayatar - Tarse - Upradanggadi - Shaktikhor bazar Road			
22	Parbat	Lunkhu- Mudikuwa Road	12.41		
23	Parbat	Armadi- Banau Road	11.802		
24 Rukum		SolawangRauleBaluwaNaigadpulJamaabagarSimalchau Rukum HukaamRanmamaikot Road's (Naigadpul-Jamabagar Sector) Sector			
25	Rukum	SitalPokhari- Jhulkhet-Chunwang Road	18.42		
26	26 Rolpa Mijhing-Ruinibang-Badachaur-Gumchal-Harjang-Syuri- Gaam Road		13.697		
27	Rolpa	Mijhing-Dhulewodaar-Namjaa-Sirp-Pang Road	5.996		
Total Road Length (Km) 387.94					

7. Sample rural roads located within 16 zillas (districts) that were reviewed and the directly benefitted villages are presented in Table 1.2 below.

8. Figure 1.1 presents the location of the project districts where the roads are located.district-wise road location map is presented in Annexure 2.

SI						
N o.	District	Name of Road	Name of benefited Habitation			
1	Panchthar	Phidim-Nagin-Sidin- Prangbung-Falot Road	Phidim Bazar, Nagin, Tritiyanibhangyang, Pipalbote, Diary bazaar, Akashebhangyang, Bansbote, and Sidin			
2	Illam	Nepaltar-Shantidada-Gagrebhangyang-Mangalbare- Dhuseni-Gajrmukhi-Ebhang-Chaturmoad Aadipur- Larmwa-GhartiDobhan-Chapeti-BeldagiDamak Road (Ebhang-Chaturemoad Sector)	Ibhang,PauwaGaun,Gurung Gaun,Samatar			

Table 1.2: Sample Road-wise directly benefitted Habitations

SI	SI I I I I I I I I I I I I I I I I I I					
N o.	District	Name of Road	Name of benefited Habitation			
3	Jhapa	Padajungi (Lakhanpur)-Guhawari-Laladhbandra- Jharka-Baluwathan-Chapramari-Khajurgachhi	Padajungi, Laldhondra, Shivalaya Chowk, Tribeni Chowk, Gaubari Chowk, Gabisa Chowk, Boarding Chowk, Magar Chowk, Ekata Chowk, Pashupati Chowk - Barhaghare, JharkaGaun			
4	Morang	Khorshane - Kerawari -Singhadevi Road (23 km left to be upgraded out of 38 km)	Bhogateni, Indrapur, Kerabari, Singhadevi,			
5	Sunsari	Inaruwa - Satterjhoda - Chhitaha - Purbakushaha - Biratnagar Road	InaruwaMuncipality,Babiya, Satterjhoda, Aurabani, Tanmuna, Chhitaha, Bhaluwa, Purbakushaha			
6	Dhankuta	Mudheshanischare - Dadagaun - Chanuwa Road	GurungGaun, Chinnetar, Bhanjyang, Jimmy Gaun, Tallo&MathilloNewarGaun ofMudheshanishchare, Dandaghaun, Chanuwa			
7	Dolakha	Nayapul - Pawati - Dadakharka Road	Charange, Fasku, Saute, Adharikhola, Satdobatepati, Mirge, Sagthakur, Ghang, Bhetpu, Ghangpokhari			
8	Sindhupalc hok	Barhabise - Maneswara - Ghumthang - Listi - Bhairabkunda	PakharaGaun, SawaBesi, Dalbari, Nepal Gaun, Borabari,Dandakhet, Maneshwara, Khipin, Sangbari,Chapleti and Dandagaun, Eklebensi, Nepalgaun,Golmathan, Majuwa, , Dandagaun			
9	Kavrepala nchok	Dolalghat - Phalate - Kolati -Dhadkharka- Pokharichauri - Gurase Road	Dolalghat, Bhumaltar, Pipaltar, Phalategaun, JorsalGaun, KolatiGaun, Baledin-8, Jamune-9, Gothpani, Sungure-8, Dhadkharka, Bhalachaur, Dhuseni, Pokhari, Pokhari Chauri			
10	Sindhuli	Dhudhuli - Lakhima - RatmataKartha - Thakur Damar - Arunathakur	KhoriyaGaun, LakhimaDanda, Deurali, Ratmate, Jalkanya, Bamda, Kamitar, Dahar, Kamikhola			
11	Kathmand u	Badbhanjyang - Sanomasino - Thulomasino - Satghumti Road	Badbhanjyang, DeuraliDada, Gotha Dada, Milan Chaur, KafalChaur, KattikeDada, Soldhunga, Sano Masino, Lapse			
12	Bhaktapur	From Bansbari- BagesworiPurano Health Post to VDC Building	Bansbari, Bageshwori			

SI N o.	District	Name of Road	Name of benefited Habitation
13	Chitwan	Phisling - Tolang - Baspur - Oralang - Mayatar - Tarse - Upradanggadi - Shaktikhor bazar Road	Phisling, Chainpur, Dhaap, Toktang, Majhgaun, MathilloGaun, Tolang, Kami Gaun, Bashpur, RigidiKhola, Dadagaun, Terse, UpardangGadi, ChepangGaun, Phedi and Shaktikhor
14	Parbat	Lunkhu- Mudikuwa Road	Mudikuwabazar,Thumi, Dharapani, Jhaklak, Pipaldanda, Chirdikhola, Tiplase, KurghaDada, Duktan, Tallo Lame
15	Rukum	SolawangRauleBaluwaNaigadpulJamaabagarSimalch aurHukaamRanmamaikot Road's (Naigadpul- Jamabagar Sector)	Baluwa, Deukhola, Jamabagar, Puwang, Tribeni
16	Rolpa	Mijhing-Dhulewodaar-Namjaa-Sirp-Pang Road	Ruinibang, RatmateGaun/ SewarGaun, GumchaalGaun, SyuriGaun



Figure 1.1: Locations of the Project Districts

Chapter 2 - Due Diligence of Social Safeguards

9. As indicated in the CPF for the RCIP program, construction will be carried out mostly within existing road corridor/right-of-ways, with widening and minor realignments in some cases, which will require narrow strips of land to be made available. In such cases, the voluntary land donation system will be used in accordance with ADB's requirements. The road improvement works will be based on extensive community consultation and incorporating their suggestions in project design to the extent feasible. As the project works are mostly confined to the existing road corridors, it is anticipated that any involuntary resettlement will not occur due to the project. However, as per the CPF and ADB's safeguard policy statement, 2009 it is important to consult the community, identify in case any additional land will be required and obtain memorandum of understandings (MOUs) with the affected persons.

2.1 Methodology used to carry out the due diligence

10. Sixteen community participation plans (CPPs) covering one from each project district were reviewed. Field verification through wind shield survey and transect walk was carried out in four districts. The wind shield survey and transect walks were carried out during May–June 2017. Group consultations and one-on-one interviews were also done to ascertain the public view on the project.

11. Steps and procedures outlined in the CPF were followed to ascertain requirement for additional land. MOUs were collected to verify that there will be no involuntary resettlement requirement in the selected roads. During the transect walk, any road section that was observed to be narrow was measured to confirm the available width.

12. Meetings at village development committee (VDC) level were carried out where villagers including the elders participated and issues relating to the project road viz. water logging, drainage, irrigation canals etc. were obtained.

13. One-on-one interviews were also carried out during the study to obtain the view points of the public about the project, importance of rehabilitating the roads and willingness to donate land for the project.

2.2 Summary of field observations and verification

Activities under Community Participation Framework (CPF)

14. The CPF adopted for the project follows the ADB social safeguard requirements mentioned below for projects involving voluntary donations. Findings from the sample review of documents and field visits are presented below while the road wise summary findings are presented in Annexure 1.

(i) Road Selection and consultation with landowners and any non-titled people

15. The project roads have been selected through robust road selection criteria taking into account rural population, socio-economic centers, agricultural production areas, connectivity to main road network, administrative centers, and safeguards.

16. Transect walks were carried out for each road, and consultation meetings were held at all the habitation areas to disseminate project information (carried out in local Nepali language).

Officers from District Technical Office (DTO), local community members including the VDC members and social mobilizers took part in the transect walk and the community consultations.

17. Out of the 16 subproject roads reviewed, three roads already had adequate Right-Of-Way (ROW) for the construction purpose and were free of encumbrances. The direct impacts for the 13 roads were limited to narrow strips of land along the existing alignment, boundary fences, extension of residential structures, like veranda, without affecting any of the residential structures. No affected person (AP) is required to relocate elsewhere due to the project.



Figure 2: Consultation Meetings with VDC at Chitwan and Bhaktapur District

18. The consultation with the community also focused on avoiding/minimizing displacement due to the project roads. Inside habitation areas and in village sections, the road width has been restricted to generally 4to 6 meters to avoid damage to structures (e.g., Badbhanjyang - Sanomasino - Thulomasino - Satghumti Road in Kathmandu district)

(ii) Voluntary donations do not severely affect the living standards of APs and are directly linked to benefits, with community-sanctioned measures to replace any losses that are agreed through verbal and written record by affected people.

19. Subsequent to the transect walks, the project implementation units (PIUs) with the help of VDC conducted formal consultations with all those persons likely to be affected as a result of the road improvement. Meetings held at VDC level were attended by the VDC members, the village community including senior citizens and APs, and the PIU officials. During the conduct of the transect walks, all APs were identified, and fully consulted on the voluntary land donation process. Vulnerable APs were identified through census survey of all the project roads.

20. The CPF includes criteria for assistance to vulnerable APs. Vulnerable households are considered (i) those headed by women, (ii) indigenous people, (iii) Dalit, (iv) disabled persons, (v) households below poverty line (BPL) as per the state poverty line for rural areas, and (vi) households losing structure, (vii) children, and (viii) non-titled affected persons belonging to categories (i) to (vii). It was evident from the consultations during field visits that vulnerable APs had agreed to voluntarily donating their land for the proposed road improvement.

21. In the 16 CPPs reviewed, there were 118 APs. All the 118 APs were title holders of the land affected. There were 70 vulnerable APs comprised 59.32% of the total number. Of the 70 vulnerable APs, 95.75% (67) was losing part of their structures that were mostly boundary fences, extension of residential structures, like veranda, etc., without affecting any of the

residential structures. Loss of land in case of all the APs is less than 5% of their holdings. Consultation with the vulnerable APs will continue during the project implementation through social mobilizers to be appointed by the executing agency. Choice of livelihood enhancement skills training will be identified through consultation and funds for the training has been earmarked in the total project cost.

22. The consultation process was supplemented by distribution of information booklets in Nepali (local language). This has made the APs aware of the project and mitigation measures entitlementson account of their vulnerability.



Figure 3: Structures close to road likely to be affected Figure 3a: Phisling - Tolang - Baspur - Oralang -Tarse - Upradanggadi - Shaktikhor bazar Road (Chitwan District)

(iii) Voluntary donations are confirmed through verbal and written records, and verified and adopted through constitutional process

23. During transect walks, APs were identified and voluntary donations are confirmed through written record, and verified during the village level meetings in the presence of officers from DTO, local community members including the VDC members and social mobilizers in case of all the project roads having APs. These records of consent and MOUs form part of the CPP documents prepared for the project roads. Verification of voluntary donations on three sample roads in Kavrepalanchok, Kathmandu and Chitwan districts covering 11.1% was done through a third party.

(iv) Grievance redressal mechanism

24. An integrated social and environmental grievance redress mechanism has been formed for the project to continue receiving feedback and complaints from affected parties and addressing them during the construction and operation stages. For all the project roads, grievance redress committees will be formed comprising the members of the VDC and other prominent citizens of the village for the purpose of grievance redress. Monitoring of grievance redress mechanism and meetings will be carried out by the safeguard specialists of CSC.

Institutional Arrangements

25. The Ministry of Federal Affairs and Local Development through the Department of Local Infrastructure Development and Agricultural Roads (DOLIDAR) will be the executing agency. A Kathmandu-based project coordination unit (PCU) established within DOLIDAR will be the implementing agency at the center. The PCU will coordinate with provincial governments/departments to implement and manage the project activities. Until the provincial governments are formed, the PCU will directly coordinate with project implementation units (PIUs) on project implementation.

26. To ensure effective implementation of safeguards requirements, the existing institutional capacities and arrangements will be augmented by social experts at the PCU and CSC levels.



Figure 4: Workshops with Officials from District Technical Office and Project Coordination Unit

27. Workshops were conducted in Kathmandu involving DTO and PCU officials on the procedures for transect walk, voluntary land donation process and MOUs with affected persons as per project community participation framework.

Monitoring

28. The PIUs will be assisted by the safeguard specialist and social mobilizers of the CSC in monitoring implementation of CPP at the project level. The CSC will assist the PIUs in documenting the progress monitoring of land donation and deed transfer.

29. The PCU will also have a safeguard specialist to review progress of social safeguard implementation in the project, periodic reporting and disclosure of the monitoring documents in ADB and DOLIDAR websites.

Gender Participation

30. The social mobilizers and the PIUs have encouraged female participation in the transect walk. However, in the sample roads reviewed, the women participants in the transect walk were 87(13.50%) of 646 total number participants.

2.3 Other impacts observed and mitigation measures

31. As mentioned above, the road width and construction corridors have been constricted to about 5 to 6 meters (m) within habitation areas to avoid adverse impact on the residential structures. Within these narrow sections, the shoulder width will be reduced to about 0.5 m.

32. Following impacts could also occur during civil works period which will cause public nuisance:

- (i) Temporary loss of access/disruption of traffic.
- (ii) Shifting of utility supply lines causing disruption to the supply;
- (iii) Damage to irrigation channels that have been placed across some of the candidate roads as shown in figure below.



Figure 4a: Land slide prone areas - (Bansbari-Bageswori Purano Health Post to VDC Building Road in Bhaktapur district)

Figure 4b: Irrigation channel across a rural road (Phidim-Nagin-Sidin- Prangbung-Falot Road in Panchthar district)

- (iv) Dust, noise and vibration impacts will be felt by the people living near road sections during construction works. High vibration levels may damage structures close to the road edge. The civil contracts should include appropriate measures to avoid/manage the issues of dust, noise.
- (v) Care should be taken to avoid any accidental damages to common properties such as Shrines, wells, water pipes, stand posts located close to the roads

					Participants in TW				Type of Impact	
SI N o	District	Road Name	Package No.	Lengt h (Km)	Tot al	women participa nts	No of AP s	No of VAP s	Land (No. Of people impacte d)	Structur e (No. Of people impacte d)
1	Pancthar	Phidim-Nagin-Sidin- Prangbung-Falot Road		23.56	51	2	16	8	16	8
2	llam	Nepaltar-Shantidada-Gagrebhangyang-Mangalbare-Dhuseni- Gajrmukhi-Ebhang-Chaturmoad Aadipur-Larmwa-GhartiDobhan- Chapeti-BeldagiDamak Road (Ebhang-Chaturemoad Sector)	II	13.3	7	2	0	0	0	0
3	Jhapa	Padajungi (Lakhanpur)-Guhawari-Laladhbandra-Jharka- Baluwathan-Chapramari-Khajurgachhi	Ш	10	44	2	4	2	4	2
4	Morang	Khorshane - Kerawari -Singhadevi Road (23 km left to be upgraded out of 38 km)	IV	13.6	7	1	8	4	8	4
5	Sunsari	Inaruwa - Satterjhoda - Chhitaha - Purbakushaha -Biratnagar Road	V	12.8	68	11	0	0	0	0
6	Dhankuta	Mudheshanischare - Dadagaun - Chanuwa Road	V	10.3	36	4	10	7	7	5
7	Dolakha	Nayapul - Pawati - Dadakharka Road	VI	12.1	23	2	10	3	10	3
8	Sindhupalch ok	Barhabise - Maneswara - Ghumthang - Listi - Bhairabkunda	VI	12.37 8	6	1	0	0	0	0
9	Kavrepalanc hok	Dolalghat - Phalate - Kolati -Dhadkharka- Pokharichauri - Gurase Road	VI	18.62 9	50	4	2	2	2	1
1 0	Sindhuli	Dhudhuli - Lakhima - RatmataKartha - Thakur Damar - Arunathakur	VII	13.01 1	51	8	17	17	17	17
1 1	Kathmandu	Badbhanjyang - Sanomasino - Thulomasino - Satghumti Road	VII	6.403	23	3	14	7	11	7
1 2	Bhaktapur	From Bansbari- BagesworiPurano Health Post to VDC Building	VII	4.462	49	3	10	6	8	6
1 3	Chitwan	Phisling - Tolang - Baspur - Oralang - Mayatar - Tarse - Upradanggadi - Shaktikhor bazar Road	VIII	38.48 7	128	33	1	1	0	1
1 4	Parbat	Lunkhu- Mudikuwa Road	IX	12.41	47	6	19	6	17	6
1 5	Rukum	SolawangRauleBaluwaNaigadpulJamaabagarSimalchaurHukaa mRanmamaikot Road's (Naigadpul-Jamabagar Sector)	Х	11.62 7	38	4	7	7	7	7
1 6	Rolpa	Mijhing-Dhulewodaar-Namjaa-Sirp-Pang Road	XI	5.996	18	1	0	0	0	0
	Total 219.0 63 646 87 11 8 70 107 67									

Annexure 1: Summary of Impacts identified through Transect Walk



Annexure 2: Location of Project Roads in the Districts



